

Remarks

The Office Action dated October 6, 2003 has been received and duly noted. The claims have been amended to further distinguish the invention from the cited references.

A terminal disclaimer is enclosed herewith to overcome the obviousness-type double patenting objection based on co-pending application no. 09/961,947.

Barber is relevant since it teaches a writing instrument holder for removably retaining one or more writing instruments. Barber is similar to several of the references cited by Applicant in that Barber forms tubular cells each for receiving a writing instrument body. Barber teaches against the concept forming a writing instrument holder with tubular cells designed to receive only a writing instrument clip, such that the clip forcibly engages the face wall against the writing instrument body to hold the writing instrument in place, as recited in amended Claim 1. Numerous references thus disclose writing instrument holders each for receiving a writing instrument body, but none of the cited references teach a writing instrument holder with tubular cells configured to receive the clip, thereby allowing the clip to forcibly engage the face wall against the writing instrument body, as disclosed in the paragraph bridging pages 4 and 5 of the application.

Applicant respectfully submits that, with the numerous designs for pen holders which exist in the prior art, the combination as set forth in Claim 1, which recites that the tubular cell is configured to receive the clip of the pen holder rather than the pen itself, patentably distinguishes Claim 1 from Barber.

Claim 2 has been amended to recite that the face wall, the back wall, and the

plurality of wall spacers as a combination is formed from a corrugated sheet. Applicant submits that the structural plastic sheet shown in Figures 1 and 2 with the face wall, back wall, and the plurality of wall spacers forming the tubular cells are properly referred to as a corrugated sheet.

The Examiner also rejected Claim 1 on the basis of Boender. The reference nowhere suggests using the corrugated sheet as a writing instrument holder, and most importantly does not teach or suggest tubular cells configured for receiving the clip of a writing instrument. The Examiner contends that Boender teaches an attaching member "in its broadest sense" since no structure is recited in Claim 1. Applicant submits that the flange of Boender is not intended for attaching the sheet to a selected mounting surface, and that a flange by itself cannot be considered an attaching member for attaching the back wall of a writing instrument holder to a selected mounting surface. Nevertheless, Claim 1 has been amended to recite that the attaching member is spaced between a left side wall spacer and a right side wall spacer as shown in the figures, which structurally distinguishes amended Claim 1 from Boender.

Newly added independent Claim 24 is similar to amended Claim 1, but specifically recites an adhesive layer adhered to back wall and having an exposed adhesive surface for attaching to a selected mounting surface. The Examiner indicated that substituting one attaching means for another would be obvious to a skilled artisan, but the attaching means as set forth in Claim 23 and as shown in Figures 4A and 4C is a preferred attaching mechanism which allows the writing instrument holder to be easily attached to any number

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of a selected mounting surfaces in a low cost and reliable manner.

In view of the above, early allowance of the application is requested.

Respectfully submitted,



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By: 

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